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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ________ DEPUTY

'08 CV 1262 WQH NLS

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA, Plaintiff, v. 1.55 ACRES OF LAND, MORE OR LESS, SITUATE IN SAN DIEGO COUNTY, STATE OF CALIFORNIA; and KUNWAR S. KUMAR, NAOMI ASCHNER, SAN DIEGO RURAL FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 04-1, SAN DIEGO COUNTY TAX ASSESSOR AND COLLECTOR Defendants.	Case No.: NOTICE OF CONDEMNATION [Fed. R. Civ. P. 71.1]

TO: All those persons and entities listed in Schedule G, attached hereto and made a part hereof.

NOTICE: You are hereby notified that a Complaint in Condemnation and a Declaration of Taking (under 40 U.S.C. § 3114), have been filed in the Office of the Clerk of the United States District Court for the Southern District of California to condemn certain estates, described in Schedule "E" attached hereto, for public uses in the property described in Schedule "C" attached hereto. The authority for the taking is set forth in Schedule "A", attached hereto. The uses for which the property is to be taken are set forth in Schedule "B" attached hereto.

If you have any objection or defense to the taking of the property in which you may have or claim some interest, you are required to serve upon Plaintiff's attorney, at the address on the first page, within twenty (20) days after service of this Notice upon you, exclusive of the date of service, an Answer identifying the property in which you claim to have an interest, stating the nature and extent of the interest claimed and stating all your objections and defenses to the taking of the property.

A failure to serve an Answer shall constitute a consent to the taking and to the authority of the court to proceed to hear the action and to fix the just compensation. It shall also constitute a waiver of all defenses and objections.

If you have no objection or defense to the taking you may file with the court, and serve on the Plaintiff's attorney, a notice of appearance designating the property in which you claim to be interested and thereafter you shall receive notice of all proceedings affecting the said property.

You are further notified that at the trial of the issue of just compensation, whether or not you have answered or served a notice of appearance, you may present evidence as to the amount of compensation to be paid for the property acquired herein and you may share in the distribution of the award for compensation.

You are further notified, however, that unless you file a notice of appearance, this proceeding may proceed to pretrial or trial without further notice to you.

DATED: July 14, 2008

KAREN P. HEWITT
United States Attorney

SANDRA B. RIGGS
Special Assistant U. S. Attorney
Attorneys for Plaintiff
Sandra.Riggs2@usdoj.gov

SCHEDULE "A"
AUTHORITY FOR THE TAKING

The property is taken under and in accordance with the Act of Congress approved on February 26, 1931, as 46 Stat. 1421 and codified at 40 U.S.C. Section 3114, and the Act of Congress approved August 1, 1888, as 25 Stat. 357 and codified at 40 U.S.C. Section 3113, and any acts supplementary thereto and amendatory thereof; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, Stat. 3009-546, 3009-554, as amended and codified at 8 U.S.C. Section 1103(b) & note; and the Act of Congress approved October 4, 2006, as Public Law 109-295, Title II, 120 Stat. 1355, which appropriated the funds which shall be used for the taking.

SCHEDULE "B"
PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, and related structures designed to help secure the United States/Mexico border within the State of California.

SCHEDULE "C"
LEGAL DESCRIPTION

Tract: SDC-BRF-813E

A strip of land situated within fractional Section 27, Township 18 South, Range 3 East, of the San Bernardino Principle Meridian, County of San Diego, State of California. Coordinate value datum; California State Plane, NAD 83, Zone 6. Entire property having an assessor's parcel numbers 652-150-0700, 652-150-0800 and 652-150-1100 and more particularly described as follows:

Said strip being 2243.54 feet in length, 30 feet in width, parallel to and 15 feet to the left of and 15 feet to the right of and measured at right angles to the following described centerline.

Beginning at a point on the Northerly property boundary of said parcel, having an assessor's parcel numbers 652-150-0700. Said point having a coordinate value of X= 6432746.96 and Y= 1790390.63.

Thence, meandering along the centerline of the existing road in a Southeasterly direction, a distance of approximately 2243.54 feet in length to the Point-of-Termination. Said P.O.T being the Easterly property boundary of A.P.N. 652-150-1100 and having a coordinate value of X= 6433899.91 and Y= 1789003.38.

Said strip of land containing an area of 1.55 acres more or less.

SCHEDULE "E"
ESTATE TAKEN

Tract No. SDC-BRF-813E:
A perpetual and assignable easement and right-of-way in, over and across the land described in Schedule "C" for the location, construction, operation, maintenance, alteration and replacement of a road and appurtenances thereto; together with the right to trim or remove any vegetative or structural obstacles that interfere with the right-of-way; subject to minerals and rights appurtenant thereto, and to existing easements for public roads, highways, public utilities, railroads and pipelines; reserving, however, to the owners, their successors and assigns, the right to use the surface of such land as access to their adjoining land or for any other use consistent with its use as a road.

SCHEDULE "G"
NAMES AND ADDRESSES OF INTERESTED PARTIES

Naomi Aschner
P.O. Box 459
Tecate, California 91980
or
c/o Craig Sherman, Esq.
1901 First Avenue, Suite 335
San Diego, California 92101

Kunwar S. Kumar
240 W. 14th Street, Apartment 5
New York, New York 10011-7218

San Diego Rural Fire Protection District Community Facilities District No. 04-1
14145 Highway 94
Jamul, CA 91935

TAXATION AUTHORITY:
County of San Diego Assessor's Office
1600 Pacific Highway
Room 103
San Diego, CA 92101-2429